

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1, 2, 7, 8, 10 and 13-17 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 1, 7, 8, 10 and 13-17 will be pending for further consideration and examination in the application.

"PROVISIONAL" DOUBLE-PATENTING

It is respectfully noted that any present double-patenting rejection(s) is only a "provisional" double-patenting rejection. As a result, Applicant respectfully submits a traversal, but refrains from commenting further on a substance of the rejection at this time, until an actual double-patenting rejection is made.

EARLIEST-FILED "PROVISIONALLY-REJECTED" APPLICATION

It is respectfully noted that this is the earliest-filed application of the applications involved in the present "provisional" double-patenting rejection (as evidenced by an earlier application serial number, i.e., 10/770,519 verses 10/846,558). MPEP 804 states (in relevant part) that: "If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer." Withdrawal of the "provisional" double-patenting rejection, and allowance of the present (earliest-filed) application, are respectfully requested. Even assuming (for argument purposes) that the prior double-patenting rejection was proper, claims of the present application have been amended in a manner wherein the prior double-patenting rejection is obviated, and claims of such applications are sufficiently distinguished from one another such that a future double-patenting rejection is unwarranted/precluded.

In the event that an obviousness-type double-patenting rejection becomes the only issue barring allowance of the application, the Examiner is invited to telephone the undersigned at the local Washington, D.C., telephone number of 703-312-6600 to give Applicant the option of considering the filing a terminal disclaimer to gain immediate allowance. The Examiner is respectfully thanked in advance for such consideration.

REJECTION UNDER 35 USC '103

The 35 USC '103 rejection of claims 1-2, 7-8, 10 and 13-17 being unpatentable over Kuwano (U.S. Patent Pub 2003/0226011) in view of Rofheart (U.S. Patent 7,058,414) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following remarks.

According to the above features of Applicant's present invention, a transmittable range of a content is restricted to within a location or house in which a content transmitting device is placed. As a result, the copyright of contents are protected from illegal duplication of contents when transmitting contents via a wired or wireless LAN located in a family domicile and from the legitimate viewing/listening of contents, and duplication of contents is limited to a family's personal use. None of the cited references teach the above features.

More particularly, Kuwano et al.'s FIG. 7 and paragraphs [0074]-[0079] disclosure (concerning an embodiment which utilizes a timer) teaches a communication sequence diagram regarding **establishing a connection** in order to

perform asynchronous transmission. However, immediately after Kuwano et al.'s producer 30 and consumer 40 establishes a "connection" and starts to communicate, the first communication (step 219; FIG. 7) is initiated from the consumer 40 to the producer 30. That is, **the producer 30 does NOT send such communication**, and instead, appears to utilize the "connection" establishment to trigger start its timer, and then measures time until receipt of the communication initiated from the consumer 40. Accordingly, the producer 30 (if analogized to Applicant's claimed "content transmitting device") does NOT send a communication to the consumer 40, and thus, is not measuring a time period of a round-trip communication initiated from itself. Accordingly, it is respectfully submitted that Kuwano et al.'s arrangement would not have disclosed or suggested the above-emphasized features/limitations of Applicant's claims.

Turning next to the secondary reference, Rofheart et al discloses that the transmission time from the local device to the remote device to determine the distance therebetween. However, this measurement is to determine the distance to the local device which is to be communicated with the user as apparent from the description in column 21, lines 49-65. Rofheart et al does not teach to measure a time from transmission of information to the content receiving device until arrival of acknowledgement of receipt from the content receiving device in order to restrict the transmittable range of the content to within a location or house in which said content transmitting device is placed for protecting copyright from illegal duplication of contents and from the legitimate viewing/listening of contents. No copyright protection is concerned in Rofheart.

In view of the above deficiencies in the applied references, it is respectfully submitted that such references, whether taken individually, or in combination, would not have disclosed or suggested, Applicant's presently clarified invention.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '103 rejection, and express written allowance of all of the '103 rejected claims, are respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed

limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

This Amendment is being submitted concurrently with the filing of a Request for Continued Examination (RCE) and does not present any changes which would require further search, consideration or fees. Entry and approval of the minor corrections made herein are respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.43478X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Paul J. Skwierawski/
Paul J. Skwierawski
Registration No. 32,173

PJS/slk
(703) 312-6600